

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: May 11, 2021
To: Joint Standing Committee on Health & Human Services
From: Anna Broome, Legislative Analyst

LD 854 An Act To Ensure Continued School-based Services for Children with Disabilities

SUMMARY: This bill directs DHHS to provide *medically necessary* school-based services in developmental preschools for children from birth to 5 years of age. It designates any rules adopted as major substantive rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. It requires the department to convene a stakeholder group when drafting those rules and take into account the findings from the independent review of the State's early childhood special education services being carried out pursuant to Public Law 2019, chapter 343, Part VVVV.

(Italics are the correction from the sponsor's testimony)

ISSUES FROM TESTIMONY:

- Sponsor: January 2020, new proposed Sec. 106 rule was proposed to consolidate school-based services into one rule prompted concerns about reductions in services and rates. Rule was recalled. Similar bill, LD 2141, passed out of committee in the interim but there was no session. LD 854 requires the rule to be major substantive and convene a stakeholder group. Young children receive CDS services supplemented with Sec. 28 or 65 MaineCare services. Sec. 106 would have limited to the number of hours on the IEP.
- DHHS: Planning for new rule by the end of 2021 and will delay adoption to allow time for education and training before it takes effect. This major substantive rule requirement for 0-5year services in schools impacts multiple sections of MaineCare policy – would be a burden, including for school budgets. MaineCare is involving stakeholders and monitoring the CDS study.
- MDDC NFNA: Pt VVVV study in the biennial budget authorized an independent review of Maine's early education system. Nancy Cronin the chair of the advisory committee to assist the Legislature in the provision of

the contracted study and advise the EDU committee. One of the four recommendations is a centralized billing system – currently two sources of funding.

DRAFTING ISSUES:

- Correction for medically necessary (as drafted, included all DoE/CDS which are not provided by DHHS).
- Are these services provided outside of developmental preschools? Does the new rule apply to other services or children too?

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- EDU update around CDS study: EDU committee meeting 5/10 to determine what they will move forward with for a public hearing – will have more information about this Tuesday.
- Examples of the preschools?
 - Woodfords operates three: <https://www.woodfords.org/early-childhood-services/>
 - Waban: <https://waban.org/ffcdc/>
 - UCP Bridges: <https://ucpofmaine.org/services/early-childhood-services/>
 - KidsPeace has preschool programs at their special purpose schools: <https://www.kidspeace.org/me-educational-services/>
 - Sunrise Opportunities: <https://sun-rise.tv/child-services/>

FISCAL IMPACT:

Not yet received from OFPR.